

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

#### **Call to Order:**

**CHAIRMAN RON STOKER**, on January 12, 2009 at 8:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

#### **Members Present:**

Rep. Ron Stoker, Chairman (R)  
Rep. Deborah Kottel, Vice Chairman (D)  
Rep. Ken Peterson, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Margaret MacDonald (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Mike Menahan (D)  
Rep. Michael More (R)  
Rep. Keith Regier (R)  
Rep. Diane Sands (D)  
Rep. Bob Wagner (R)  
Rep. Wendy Rep. Warburton (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Jennifer Eck, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

#### **Committee Business Summary:**

Hearing & Date Posted: HB 102, 1/7/2009; HB 133, 1/7/2009;  
HB 175, 1/7/2009

**Committee Business Conducted:**

00:02:00 Roll Call  
00:02:25 Chairman Stoker  
00:03:14 Rep. Bennett  
00:05:04 Chairman Stoker  
00:05:30 Rep. Menahan  
00:10:40 Chairman Stoker  
00:15:14 Rep. Bennett  
00:15:23 Chairman Stoker  
00:15:28 Rep. Bennett  
00:15:45 Chairman Stoker  
00:16:49 Rep. Peterson

**HEARING ON HB 133**

**Opening Statement by Sponsor:**

00:17:00 **REP. RON STOKER (R), HD 87,** opened the hearing on **HB 133,** Streamline child support enforcement.

**Proponents' Testimony:**

00:19:24 Rep. Peterson  
00:19:36 Lonnie J. Olson, Administrator, Child Support  
Enforcement Division  
00:24:33 Rep. Peterson  
00:24:38 Amy Pfeifer, Child Support Enforcement Division  
00:44:28 Rep. Peterson

**Opponents' Testimony:** None.

**Informational Testimony:**

00:45:04 Mary Phippen, Montana Association of Clerks of District  
Courts.  
00:45:32 Rep. Peterson

**Questions from Committee Members and Responses:**

00:46:11 Rep. Driscoll  
00:46:32 Ms. Pfeifer  
00:46:41 Rep. Driscoll  
00:46:44 Ms. Pfeifer  
00:46:46 Rep. Driscoll  
00:47:20 Ms. Pfeifer  
00:47:42 Rep. Driscoll  
00:47:44 Ms. Pfeifer

00:48:36 Rep. Driscoll  
00:48:38 Rep. Peterson  
00:48:43 Rep. Regier  
00:49:08 Ms. Pfeifer  
00:49:34 Rep. Regier  
00:49:36 Ms. Pfeifer  
00:49:43 Rep. Regier  
00:49:45 Rep. Peterson  
00:49:46 Rep. Regier  
00:49:54 Ms. Pfeifer  
00:50:17 Rep. Regier  
00:50:19 Rep. Peterson  
00:50:28 Rep. More  
00:50:46 Rep. Peterson  
00:50:52 Rep. More  
00:50:54 Rep. Peterson  
00:51:05 Mr. Olson  
00:53:08 Rep. More  
00:53:14 Mr. Olson  
00:53:47 Rep. More  
00:53:51 Rep. Peterson  
00:53:55 Rep. Wagner  
00:54:05 Rep. Peterson  
00:54:08 Mr. Olson  
00:54:15 Rep. Wagner  
00:54:23 Mr. Olson  
00:55:36 Rep. Peterson  
00:55:39 Rep. Warburton  
00:56:13 Mr. Olson  
00:57:01 Rep. Warburton  
00:57:03 Rep. Peterson  
00:57:04 Mr. Olson  
00:58:17 Rep. Peterson  
00:58:21 Mr. Bennett  
00:58:30 Ms. Pfeifer  
00:58:31 Rep. Bennett  
00:58:52 Ms. Pfeifer  
00:59:41 Rep. Bennett  
00:59:43 Rep. Peterson  
00:59:47 Rep. More  
01:00:03 Mr. Olson  
01:00:36 Rep. Peterson  
01:00:57 Ms. Pfeifer  
01:01:00 Rep. Peterson  
01:01:25 Ms. Pfeifer  
01:02:33 Rep. Peterson  
01:02:55 Ms. Pfeiffer  
01:03:05 Rep. Peterson  
01:03:15 Ms. Pfeifer  
01:03:17 Rep. Peterson

01:03:44 Ms. Pfeifer  
01:04:32 Rep. Peterson  
01:05:14 Ms. Pfeifer  
01:06:14 Rep. Peterson  
01:06:25 Ms. Pfeifer  
01:06:34 Rep. Peterson  
01:07:11 Ms. Pfeifer  
01:08:01 Rep. Peterson

**Closing by Sponsor:**

01:08:18 Chairman Stoker  
01:08:45 Rep. Peterson  
01:09:10 Chairman Stoker

**HEARING ON HB 102**

**Opening Statement by Sponsor:**

01:09:30 **REP. CARY SMITH (R), HD 55**, opened the hearing on **HB 102**, Increase penalties for second and subsequent child molestation.

[EXHIBIT\(juh06a01\)](#)

**Proponents' Testimony:**

01:11:30 Chairman Stoker  
01:11:37 Brent Brooks, City Attorney, Billings.

[EXHIBIT\(juh06a02\)](#)

01:14:16 Chairman Stoker  
01:14:41 Kelsen Young, Director, Montana Coalition Against Domestic and Sexual Violence.

[EXHIBIT\(juh06a03\)](#)

01:17:40 Chairman Stoker  
01:17:48 Brant Light, Assistant Attorney General  
01:21:19 Chairman Stoker  
01:21:23 Ed Bartlett, Attorney, City of Billings.  
01:22:09 Chairman Stoker

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:22:49 Chairman Stoker

01:22:55 Rep. Kottel  
01:23:25 Mr. Light  
01:23:46 Rep. Kottel  
01:23:49 Mr. Light  
01:23:50 Rep. Kottel  
01:24:00 Mr. Light  
01:25:09 Rep. Kottel  
01:25:10 Chairman Stoker  
01:25:14 Rep. Menahan  
01:25:24 Mr. Brooks  
01:25:29 Chairman Stoker  
01:25:36 Rep. Menahan  
01:25:40 Mr. Brooks  
01:25:42 Rep. Menahan  
01:25:49 Mr. Brooks  
01:26:16 Rep. Menahan  
01:26:45 Mr. Brooks  
01:29:01 Rep. Menahan  
01:29:03 Chairman Stoker  
01:29:04 Rep. Menahan  
01:29:38 Mr. Brooks  
01:30:16 Rep. Menahan  
01:30:41 Mr. Light  
01:31:45 Chairman Stoker  
01:31:51 Rep. Bennett  
01:32:20 Mr. Light  
01:33:19 Rep. Bennett  
01:33:25 Chairman Stoker  
01:33:30 Rep. Wagner  
01:33:53 Chairman Stoker  
01:33:56 Mr. Brooks  
01:34:44 Chairman Stoker  
01:34:52 Rep. Peterson  
01:34:56 Chairman Stoker  
01:34:59 Mr. Brooks  
01:35:00 Rep. Peterson  
01:35:15 Mr. Brooks  
01:35:28 Rep. Peterson  
01:35:41 Mr. Brooks  
01:35:55 Rep. Peterson  
01:35:57 Chairman Stoker  
01:35:57 Rep. Peterson  
01:36:12 Mr. Brooks  
01:36:25 Rep. Peterson  
01:36:27 Chairman Stoker  
01:36:28 Rep. Peterson  
01:36:43 Mr. Brooks  
01:36:54 Rep. Peterson  
01:36:56 Chairman Stoker  
01:37:57 Mr. Brooks

01:38:37 Chairman Stoker  
01:38:51 Mr. Light  
01:39:56 Chairman Stoker  
01:40:21 Mr. Light  
01:40:41 Chairman Stoker  
01:40:44 Mr. Light  
01:40:47 Chairman Stoker  
01:40:54 Mr. Light  
01:41:28 Chairman Stoker  
01:41:32 Rep. Warburton  
01:41:56 Mr. Light  
01:43:04 Rep. Warburton  
01:43:05 Chairman Stoker  
01:43:06 Rep. Warburton  
01:43:31 Mr. Light  
01:44:06 Rep. Warburton  
01:44:08 Chairman Stoker  
01:44:10 Rep. More  
01:44:38 Mr. Light  
01:45:15 Rep. More  
01:45:16 Chairman Stoker  
01:45:23 Rep. Smith  
01:45:35 Chairman Stoker

**Informational Testimony (Witness Arrived Late):**

01:45:49 Greg Trude, Executive Director, Right to Life of Montana.  
01:47:12 Chairman Stoker  
01:47:14 Mr. Trude  
01:47:18 Chairman Stoker  
01:47:26 Mr. Menahan  
01:47:29 Chairman Stoker  
01:47:34 Rep. Menahan  
01:48:02 Mr. Trude  
01:48:11 Chairman Stoker

**Closing by Sponsor:**

01:48:19 Rep. Smith  
01:48:45 Chairman Stoker

[Recess: mics muted.]

01:59:42 Chairman Stoker

**HEARING ON HB 175**

**Opening Statement by Sponsor:**

02:00:27 REP. DEBORAH KOTTEL (D), HD 20, opened the hearing  
on HB 175, Include certain agreements involving roomers  
in landlord-tenant act.

[EXHIBIT\(juh06a04\)](#)

[EXHIBIT\(juh06a05\)](#)

02:04:23 Chairman Stoker

02:04:30 Rep. Kottel

02:06:08 Chairman Stoker

**Proponents' Testimony:**

02:06:23 Beth Brenneman, Disability Rights Montana

02:07:46 Chairman Stoker

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:08:19 Rep. Blewett

02:08:46 Rep. Kottel

02:09:31 Rep. Blewett

02:09:33 Chairman Stoker

02:09:34 Rep. Blewett

02:09:52 Rep. Kottel

02:10:02 Chairman Stoker

02:10:07 Rep. Peterson

02:11:04 Rep. Kottel

02:12:45 Chairman Stoker

02:12:51 Rep. Wagner

02:13:53 Rep. Kottel

02:15:05 Rep. Wagner

02:15:06 Chairman Stoker

02:15:12 Rep. Blewett

02:16:00 Rep. Kottel

02:16:40 Chairman Stoker

02:16:43 Rep. Howard

02:17:08 Rep. Kottel

02:17:24 Rep. Howard

02:17:26 Chairman Stoker

02:18:15 Rep. Kottel

02:18:18 Chairman Stoker

02:18:32 Rep. Kottel  
02:19:35 Chairman Stoker  
02:19:44 Rep. Kottel  
02:20:17 Chairman Stoker  
02:20:22 Rep. Driscoll  
02:20:44 Rep. Kottel  
02:21:09 Chairman Stoker  
02:21:11 Rep. Wagner  
02:21:48 Rep. Kottel  
02:22:32 Rep. Wagner  
02:22:34 Chairman Stoker  
02:22:34 Rep. Wagner  
02:22:50 Rep. Kottel  
02:23:53 Chairman Stoker

**Closing by Sponsor:**

02:24:00 Rep. Kottel  
02:24:14 Chairman Stoker



**ADJOURNMENT**

02:25:09 Adjournment

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JENNIFER ECK, Secretary

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Additional Documents:

**EXHIBIT ([juh06aad.pdf](#))**